

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**DWIGHT PURK, et al.,**

**Plaintiffs,**

**Case No. C-3-03-cv-287**

**-vs-**

**District Judge Thomas M. Rose**

**UNITED STATES OF AMERICA, et al.,**

**Defendants.**

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**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS OF THE  
CHIEF MAGISTRATE JUDGE (DOC. #79) OVERRULING OBJECTIONS (DOC.  
#80) DENYING MOTION TO REOPEN (DOC. #78)**

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This matter comes before the Court pursuant to Objections (Doc. #80) to the Report and Recommendation of Chief Magistrate Judge Michael Merz (Doc. #79) recommending that Intervening Plaintiff's Motion to Reopen (Doc. #78) be denied.

The Court has reviewed the comprehensive findings of the Magistrate Judge and pursuant to 28 U.S.C. Section 636(b) and Fed. R. Civ. P. 72(b), this Court has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections are not well-taken and are hereby OVERRULED.

The Court concurs that the present Motion restates the law and arguments already considered by this Court in ruling on the Defendant's Motion to Dismiss.

The Court ADOPTS the Chief Magistrate Judge's Report and Recommendations in their entirety and DENIES the Intervening Plaintiff's Motion to Reopen.

IT IS SO ORDERED

June 8, 2006

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE